REMARKS

The Office Action mailed September 14, 2006 considered claims 1, 2, 4-11, 13-21 and 23-29. Claims 1-2, 4-11, 13-21 and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (US 6,704,786) hereinafter '786 in view of Gupta et al. (US 6,763,384) hereinafter '384.[1] Since each of the dependent claims depend from one of claims X-X each of the dependent claims also patentably define over the art of record for at least either of the same reasons.

By this amendment claims 1, 10 and 20 have been amended and claims 9, 18 and 29 have been cancelled.[2] Claims 1, 10 and 20 are the only independent claims at issue.

The present invention is generally directed to efficiently notifying a client system of the occurrence of a monitored event. For example, claim 1 defines sending a request to the server system, wherein the request is that the server system transmit a packet of data containing notification of the occurrence of an event to the client system using a connectionless protocol, wherein the connectionless protocol does not require a session be established between the client system and the server system in order for communication to occur between the client system and the server system. Next, claim 1 defines attempting to receive the packet of data containing notification of the occurrence of an event from the server system, wherein the packet of data is sent using the connectionless protocol. Next, claim 1 defines determining, based on the act of attempting to receive a the packet of data from the server system, whether or not the client system can receive notifications, generated as the result of the happening of a monitored event, from the server system using a connectionless protocol. Next, claim 1 defines requesting that server system initiated notifications be sent using the connectionless protocol, if the attempt to receive the packet of data is successful.

Next, claim 1 defines requesting that server system initiated notifications be sent using a connection-oriented protocol, if the attempt to receive the packet of data is not successful, wherein the connection-oriented protocol establishes a session between the client system and the server system in order for communication to occur between the client system and the server

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for the amendments to the claims are found throughout the specification and previously presented claims, including but not limited to paragraphs [0036], [0037], [0039]-[0041], [0045] and Figure 2.

system. Next, claim 1 defines detecting changes in firewall configuration including changes indicating that data packets sent via a connectionless protocol are being allowed through the firewall. Lastly, claim 1 defines upon determining that data packets sent via a connectionless protocol are being allowed through the firewall, an act of the client system automatically shifting to receiving data packets containing event notifications via the connectionless protocol even though a connection-oriented protocol is available.

Claim 10 is a method claim similar to claim 1 that includes functional language. Claim 20 is a computer program product claim corresponding to claim 1.

Applicants respectfully submit that the cited art of record does not anticipate or otherwise render the amended claims unpatentable for at least the reason that the cited art does not disclose, suggest, or enable each and every element of these claims.

786 describes a method for network and end-host efficiency for web communication. In particular, *786* describes a method for reducing network traffic in a world wide web environment using various protocol interactions (Col. 2:6-8). For example, a user may first use hypertext transfer protocol (HTTP) and UDP (which eliminates the virtual connection setup and teardown of the transmission control protocol (TCP)). Then, if the interaction fails or the response indicates that the return information is beyond the size limits of UDP, HTTP and TCP are used (Col. 2:10-18). In other words, if the response satisfies a policy for return, the response is sent back to the client via UDP in an effort to conserve bandwidth and processing power.

384 describes a method for event-triggered notification over a network. In particular, 384 describes a method of notifying network users of an event (e.g. the current highest bidder of an auction, current sports scores, etc.) (Col. 1:25-34, 61-65). *384* also describes polling in the background, where the client automatically, periodically polls the server for information (Col. 1:55-Col. 2:9). Furthermore, to transfer the event notification through a firewall, *384* describes using the SOCKS protocol or a reverse proxy (Col. 9:65-Col. 10:24).

However, neither *786* nor *384* teach or suggest an act of the client system detecting changes in firewall configuration including changes indicating that data packets sent via a connectionless protocol are being allowed through the firewall, as recited in claim 1. Furthermore, neither *786* nor *384* teach or suggest upon determining that data packets sent via a connectionless protocol are being allowed through the firewall, an act of the client system automatically shifting to receiving data packets containing event notifications via the
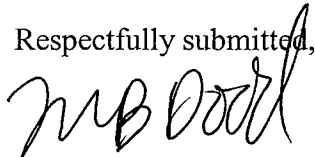
connectionless protocol even though a connection-oriented protocol is available, as recited in claim 1. At least for either of these reasons, claim 1 patentably defines over the art of record. At least for either of these reasons, claims 10 and 20 also patentably define over the art of record.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 14th day of November, 2006.

Respectfully submitted,

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